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02-09-04

DOCKET NO: C1037.70049US00

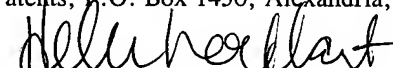
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen L. Hutcherson et al.
Serial No: 10/643,141
Confirmation No:
Filed: August 18, 2003
For: IMMUNE STIMULATION BY PHOSPHOROTHIOATE
OLIGONUCLEOTIDE ANALOGS

Examiner: Not yet assigned
Art Unit: Not yet assigned

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 4, 2004.


Helen C. Lockhart

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

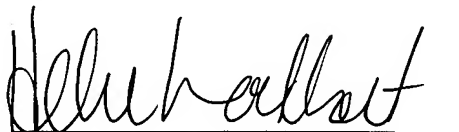
Transmitted herewith is/are the following document(s):

- ☒ Supplemental Information Disclosure Statement;
- ☒ PTO Form 1449 (copies of references cited);
- ☒ Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is enclosed. If there is a fee, please charge to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,


Helen C. Lockhart; Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
(617) 720-3500

Docket No. C1037.70049US00
Date: February 4, 2004
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Helen C. Lockhart, Ph.D., Reg. No. 39,248

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application (copies enclosed):

Docket Number	Serial Number	Filing Date	Inventor(s)
C1037.70016US00	09/009,634	1/20/98	Hutcherson et al.
C1037.70038US01	10/735,592	12/11/03	Krieg et al.
C1037.70041US00	10/613,749	7/3/03	Krieg
C1037.70042US00	10/613,524	7/3/03	Krieg
C1037.70043US00	10/613,739	7/3/03	Krieg
C1037.70044US00	10/613,716	7/3/03	Krieg
C1037.70045US00	10/613,228	7/3/03	Krieg
C1037.70046US00	10/445,247	6/5/03	Krieg
C1037.70048US00	10/644,052	8/19/03	Krieg et al.
C1037.70051US00	10/666,733	9/19/03	Bratzler et al.
C1037.70052US00	10/668,050	9/22/03	Bratzler et al.
C1039.70021US01	10/719,493	11/21/03	Krieg et al.
C1039.70048US01	TBD	1/30/04	Krieg et al.
C1039.70071US00	10/435,656	5/9/03	Krieg et al.
C1039.70072US00	10/434,696	5/9/03	Davis et al.
C1039.70073US00	10/743,625	12/22/03	Krieg et al.
C1039.70075US00	10/613,916	7/3/03	Krieg et al.
C1039.70077US00	10/619,279	7/14/03	Krieg
C1039.70078US00	10/627,331	7/25/03	Krieg et al.
C1039.70079US00	10/627,413	7/25/03	Krieg et al.
C1039.70082US00	10/631,676	7/30/03	Krieg et al.
C1039.70083US00	10/690,495	10/21/03	Krieg
C1039.70083US01	TBD	1/30/04	Krieg et al.
C1039.70084US00	10/649,584	8/25/03	Krieg et al.
C1041.70040US00	10/666,844	09/19/03	Lipford et al.

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

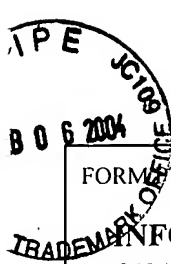
An early and favorable action is hereby requested.

Respectfully submitted,
Stephen L. Hutcherson et al., *Applicant*

By: 

Helen C. Lockhart, Ph.D., Reg. No. 39,248
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600 Atlantic Avenue
Boston, Massachusetts 02210-2211
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Docket No. C1037.70049US00
Date: February 4, 2004
XNDDX



FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/643,141		ATTY. DOCKET NO.: C1037.70049US00	
				FILING DATE: August 18, 2003		CONFIRMATION NO.:	
				APPLICANT: Stephen L. Hutcherson et al.			
				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned	
Sheet	1	of	2				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	*	6,174,872	B1	Carson et al.	01-16-2001
	*	6,214,806	B1	Krieg et al.	04-10-2001
	*	6,218,371	B1	Krieg et al.	04-17-2001
	*	6,225,292	B1	Raz et al.	05-01-2001
	*	6,239,116	B1	Krieg et al.	05-29-2001
	*	6,339,068	B1	Krieg et al.	01-15-2002
	*	6,406,705	B1	Davis et al.	06-18-2002
	*	6,429,199	B1	Krieg et al.	08-06-2002
	*	6,426,336	B1	Carson et al.	07/30/2002
	*	6,498,148	B1	Raz	12/24/2002
	*	6,514,948	B1	Raz, et al	02/04/2003
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	*	6,552,006	B2	Raz et al.	04/22/2003
	*	6,562,798	B1	Schwartz	05/13/2003
	*	6,589,940	B1	Raz et al.	07/08/2003
	*	6,610,661	B1	Carson et al.	08/26/2003
	*	6,653,292	B1	Krieg et al.	11/25/2003
	*	6,613,751	B1	Raz et al.	04/02/2003
	*	US 2001/0046967		Van Nest	11/29/2001
	*	US 2002/0028784		Van Nest	3/07/2002
	*	US 2002/0042387		Raz et al.	04/11/2002
	*	US 2002/0055477	A1	Nest et al	05/09/2002
	*	US 2002/0086839		Raz et al.	07/04/2002
	*	US 2002/0098199	A1	Van Nest et al.	07/25/2002
	*	US 2002/0107212	A1	Van Nest et al.	08/08/2002
	*	US 2002/0142978	A1	Raz et al.	10/03/2002
	*	US 2002/0156033	A1	Bratzler et al.	10/24/2002
	*	US 2003/0022852		Van Nest et al.	01/30/2003
	*	US 2003/0049266	A1	Fearon et al.	03/13/2003
	*	US 2003/0059773		Van Nest et al.	03/27/2003
	*	US 2003/0050263	A1	Krieg et al.	03/13/2003
	*	US 2003/0064064		Dina	03/13/2003
	*	US 2003/0078223	A1	Raz et al.	04/24/2003
	*	US 2003/0092663	A1	Raz	05/15/2003
	*	US 2003/0109469	A1	Carson et al	06/12/2003
	*	US 2003/0119773	A1	Raz et al.	06/26/2003



FORM PTO-1449/A and B (Modified)				APPLICATION NO.: 10/643,141		ATTY. DOCKET NO.: C1037.70049US00			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				FILING DATE: August 18, 2003		CONFIRMATION NO.:			
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				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned			
Sheet	2	of	2						

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
	*	US 2003/0125284		Raz et al.	07/03/2003
	*	US 2003/0129251	A1	Van Nest et al.	07/10/2003
	*	US 2003/0130217		Raz et al.	07/10/2003
	*	US 2003/0133988	A1	Fearon et al.	07/17/2003
	*	US 2003/0143213	A1	Raz et al.	07/37/2003
	*	US 2003/0147870	A1	Raz et al.	08/07/2003
	*	US 2003/0175731	A1	Fearon et al.	09/18/2003
	*	US 2003/0176373		Raz et al.	09/18/2003
	*	US 2003/0176389		Raz et al.	09/18/2003
	*	US 2003/0186921	A1	Carson et al.	10/02/2003
	*	US 2003/0199466	A1	Fearon et al.	10/23/2003
	*	US 2003/0203891		Goebel et al.	10/30/2003
	*	US 2003/0212028	A1	Raz et al.	11/13/2003
	*	US 2003/0216340	A1	Van Nest et al.	11/20/2003
	*	US 2003/0232780		Carson et al.	12/18/2003
	*	US 2004/0006034		Raz et al.	01/08/2004
	*	US 2004/0009942		Van Nest et al.	01/15/2004

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	B1	WO	99/11275	A2	Regents of the University of CA	03/11/1999	
	B2	WO	99/62923	A2	Dynavax Tech. Corp	12/09/1999	
	B3	WO	00/20039	A1	Regents of the University of CA	04/13/2000	
	B4	WO	00/21556	A1	Dynavax Tech. Corp	04/20/2000	
	B5	WO	00/62787	A1	Regents of the University of CA	10/26/2000	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	Klinman, D. M., et al "Immune recognition of foreign DNA: a cure for bioterrorism?" <i>Immunity</i> (1999) 11:123	
	C2	Krieg, A. M., et al., "CpG motifs in bacterial DNA and their immune effect." <i>Annu Rev Immunol</i> 20:709-760, 2002.	

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* copies of these patents and patent applications are not enclosed pursuant to the waiver by the USPTO of the requirement under 37 C.F.R. 1.98 (a)(2)(i) for patent applications filed after June 30, 2003.

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]